

SUBSTANCE OF INTERVIEW

The Applicant would like to thank the Examiner for the personal interview on April 16, 2007. Exhibits were presented that showed the invention in comparison to other types of pet food. There was a discussion regarding the qualities of the invention in relation to the prior art. Applicants agreed to present new claims that more distinctly recite the elements of the invention in view of other pet food products.

REMARKS

The following issues are outstanding in the pending application:

- Claims 1-30 are rejected under 35 USC 103.

Amendments to the Specification

Paragraph [0075] of the specification has been amended in order to correct two typographical errors. The preferred range of “55 to 1230 N” has been corrected to read “55 to 230” and the range of “500 to 2760 N” has been corrected to read “50 to 2760 N”. These corrections are evident from the recited ranges on either side of the corrected ranges. Also the correct range of “50 to 2760 N” can be found in original claims 3 and 18. No new matter has been added as a result of these amendments.

Amendments to the Claims

Claims 1-30 have been cancelled and new claims 31- 54 are being submitted in order to more clearly define the subject matter of the invention. No new matter has been added as a result of these amendments.

35 USC 103

Claims 1-30 have been rejected under 35 USC 103(a) as having subject matter unpatentable over the Nutrient Requirements for Cats and the Nutrient Requirements for Dogs (NRC) in view of U. S. Pat. 6,117,477 to Paluch et al and U.S. Pat. 4,190,679 to Coffee and further in view of U.S. Pat. 3,916,029 to Hildeblot et al. and the TUX brochures. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the rejection of claims 1-30 over the cited references is now moot in view of the newly presented claims. The new claims are directed to a complete meal for a pet that includes at least one piece of pet food having a caloric content of between 80 to 800 kcal and a weight between 25-350 grams in which each piece has a longitudinal shape and a cross sectional shape, with a length greater than 0.75 cm and a cross sectional area in the range of 3.0 to 18.0 cm², and between one and ten pieces provide the complete daily nutritional requirements of the animal. Additional claims further define

other aspects of the invention. Applicant respectfully submits that none of the cited references teach or disclose the subject matter of independent claims 31, 45 and 51, and 54.

The claimed invention is novel and non-obvious over current pet food in that the inventive pet food provides the complete daily nutritional requirements of an animal in at least one piece of pet food as compared to known pet food products such as dry kibble and canned wet pet food. For example, as discussed in the attached Declaration of Dr. T. Bierer, an extra small piece of the inventive pet food weighing about 30 grams is nutritionally equivalent to approximately $\frac{1}{2}$ cup of dry kibble or approximately $\frac{1}{3}$ can of wet pet food; a small piece of the inventive pet food weighing about 70 grams is nutritionally equivalent to approximately $\frac{3}{4}$ cup of dry kibble or approximately $\frac{1}{2}$ can wet pet food; a medium piece of the inventive pet food weighing about 140 grams is nutritionally equivalent to approximately $1 \frac{1}{2}$ cups of dry kibble or approximately 1 can of wet pet food; and a large piece of the inventive pet food weighing about 235 grams is nutritionally equivalent to approximately 2 cups of dry kibble or approximately 1 and $\frac{1}{3}$ cups of wet pet food. As can be appreciated from these comparisons, the inventive pet food is a distinctly different way to feed a pet a complete meal that provides the complete daily nutritional requirements of an animal in at least one piece. Thus, two small pieces weighing about 70 grams each will provide the complete daily nutritional requirements for an animal that weight about 15 pounds; two medium pieces weighing about 140 grams each will provide the complete daily nutritional requirements for an animal that weights about 24 pounds; three large pieces weighing about 235 grams each will provide the complete daily nutritional requirements for an animal that weights about 99 pounds; and so on. This calculation is derived from the information in Table 2 and the graph of Figure 1.

The inventive pet food is also novel and non-obvious over pet snacks and treats. Snacks and treats are generally of four basic types –semi-moist, biscuits, jerky, and rawhide products. These products are not meant to be nutritionally complete and are not intended for this purpose. Generally, snacks and treats do not meet the complete daily nutritional requirements of a pet because they may be missing one or more of the required nutrients and they do not provide the correct level of all of the required nutrients. Additionally, the caloric content of snacks and treats is not in line with the recommended amount of calories based on an animal's size and age. Thus, the claimed invention is novel and non-obvious over current

pet snacks and treats because the inventive pet food provides the complete daily nutritional requirements of an animal in at least one piece of pet food as compared to pet snacks and treats which are not nutritionally complete. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of the claims under 35 USC 103(a) as having subject matter unpatentable over the Nutrient Requirements for Cats and the Nutrient Requirements for Dogs (NRC) in view of U. S. Pat. 6,117,477 to Paluch et al and U.S. Pat. 4,190,679 to Coffee and further in view of U.S. Pat. 3,916,029 to Hildeblot et al. and the TUX brochures.

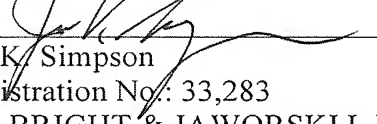
CONCLUSION

In view of the above, applicant believes the pending application is in condition for allowance.

A fee for a three month extension of time is being submitted with this response. If additional fees are due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02873US0 from which the undersigned is authorized to draw.

Dated: May 25, 2007

Respectfully submitted,

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